



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Paper No.

HUMAN GENOME SCIENCES INC.  
INTELLECTUAL PROPERTY DEPT.  
14200 SHADY GROVE ROAD  
ROCKVILLE MD 20850

**COPY MAILED**

APR 11 2007

**OFFICE OF PETITIONS**

In re Patent No. 6,890,721 : DECISION ON REQUEST  
Dixit et al. : FOR RECONSIDERATION OF  
Issue Date: May 10, 2005 : PATENT TERM ADJUSTMENT  
Application No. 09/961,201 : and  
Filed: September 24, 2001 : NOTICE OF INTENT TO ISSUE  
Attorney Docket No. PF335D2 : CERTIFICATE OF CORRECTION

This is a decision on the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(d), filed July 11, 2005. Patentees request that the patent term adjustment for the above-identified patent be corrected from one hundred ninety-four (194) days to three hundred fourteen (314) days.

The request for reconsideration of the patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of three hundred fourteen **(314)** days.

On May 10, 2005, the application matured into U.S. Patent No. 6,890,721, with a revised patent term adjustment of 194 days. On Monday, July 11, 2005, patentees timely submitted this request for reconsideration of patent term adjustment (with

required fee), requesting that the Patent Term Adjustment be corrected to 314 days. Patentees dispute the reduction of 120 days associated with the filing of a letter after the mailing of the notice of allowance.

Petitioners' arguments have been considered, and have been found persuasive. As stated in MPEP 2732:

Certain papers filed after allowance are not considered to be a failure to engage in reasonable efforts to conclude processing or examination of an application. See *Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed*, 1247 Off. Gaz. Pat. Office 111 (June 26, 2001). The submission of the following papers after a "Notice of Allowance" is not considered a failure to engage in reasonable efforts to conclude processing or examination of an application: (1) Fee(s) Transmittal (PTOL-85B); (2) Power of Attorney; (3) Power to Inspect; (4) Change of Address; (5) Change of Status (small/not small entity status); (6) a response to the examiner's reasons for allowance or a request to correct an error or omission in the "Notice of Allowance" or "Notice of Allowability;" and (7) letters related to government interests (e.g., those between NASA and the Office).

The letter filed October 5, 2004, was a Power of Attorney (including the required 3.73(b) statement). No reduction is warranted for the filing of this paper.

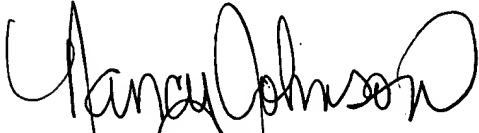
In view thereof, the patent should have issued with a patent term adjustment of three hundred fourteen (314) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The fee is required and will not be waived.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by THREE HUNDRED FOURTEEN (314) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large loop at the end.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Attachment: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 6,890,721 B1  
DATED : May 10, 2005  
INVENTOR(S) : Dixit et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (194) days

Delete the phrase "by 194" and insert – by 314 days--